

CITY COUNCIL MINUTES
February 10, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, February 10, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

There being eight (8) members present and one (1) members absent and eight (8) members representing a quorum, I hereby call this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance will be conducted by Councilwoman Mosby.

President Friend: Fellow Councilmen and those in the audience, welcome to the February 10, 2014 meeting of the Common Council.

RECOGNITION OF SCHOOLS

Do we have Recognition of Schools? Are there any students in the audience who'd like to be recognized? Yes. Who are you?

Jonathan Ramone: I'm Jonathan Ramone. I go to the University of Evansville. I just came to listen to you guys, talk to the public also about the issues area around Evansville. I just want to hear your take and what the audience has to say.

President Friend: Thank you.

Jonathan Ramone: Thank you.

President Friend: You're welcome. Teen Advisory Committee. Anybody? Okay.

COUNCIL ATTORNEY

We have this evening Scott Danks as our City Council Attorney

SERGEANT AT ARMS

Officer Lewis is the Sergeant at Arms this evening. Thank you Officer Lewis for coming out.

APPROVAL OF MINUTES

I need a motion to approve the minutes of the January 27, 2014 meeting of the Common Council

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to approve the minutes of the regular meetings of the Common Council held January 27, 2014 as written. Voice vote. So ordered.

IN YOUR FEBRUARY 7th PACKET:

- EMAILED MATERIAL:**

- ### ON YOUR DESK THIS EVENING:

- ## **CONSENT AGENDA**

FIRST READING OF ORDINANCES AND RESOLUTIONS

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

ORDINANCE R-2013-25 **FROM APC** **C-1 to CO-1**

ORDINANCE R-2013-26 **FROM APC** **R-2 & C-4 to C-4 w/U&D**

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This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2013-28 (Amended) FROM APC R-1 to C-4 w/ U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 600 Kimber Lane. and Kimber Lane Parcel 82-06-24-017-160.030-027

Petitioner: Sater Family Partnership LP
Owners: Same
Representative: Bowers Harrison LLP
District: Dan McGinn, Ward 1

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

President Friend: Is there a motion to move to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report?

Councilwoman Mosby moved and Councilman O'Daniel seconded the motion to adopt the Consent Agenda Second Reading of Zoning Ordinances and to accept the Area Plan Commission Report. Voice vote. So ordered.

Now stands at Third Reading for the Zoning Ordinances of the final action.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-25 FROM APC C-1 to CO-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2116 E. Division Street

Petitioner: Michael R. Majors

President Friend: Is there a motion to adopt Ordinance R-2013-25?

Councilman O'Daniel moved and Councilwoman Mosby seconded the motion to adopt Ordinance R-2013-25. Okay, let's call the roll.

Comments made prior to casting their votes:

Councilwoman Brinkerhoff-Riley: *(Off Mic) (Inaudible)*

Councilman Adams: Can we discuss this?

Janet Greenwell: Actually, this comes forward with a recommendation for approval. Typically, you would ask the petitioner to step forward.

President Friend: Yeah.

Janet Greenwell: You have said in the past that you don't want to pass anything unless the petitioner is here to answer questions and then you would ask for remonstrators.

President Friend: Yeah, exactly. Yeah, I got it. I got it. Sorry about that. Do we have the petitioner like to come forward? Yes?

Councilman Adams: Good try though.

Councilman O'Daniel: He did.

President Friend: I'm trying to speed this thing along.

Councilman Adams: Streamline this process.

Michael R. Majors: *(Off Mic)* Sounded good to me.

Do you have questions? I'm not sure what I'm supposed to say.

Councilman O'Daniel: Is this a downzoning? Is this going to CO?

Michael R. Majors: Yes, yes.

Councilman O'Daniel: That's what I thought. It goes from C-1 to CO-1.

Michael R. Majors: Yeah, I was at the Plan Commission meeting; talked about it then.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* And this one, this slide right here I think shows where you're at and it's not...what is the name of the insurance company that's...

Michael R. Majors: It was Major's Insurance Agency.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Okay. Right. Are you trying...are you going to sell it?

Michael R. Majors: It is not sure yet.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Okay.

Michael R. Majors: Either sell it or maybe rent. Maybe sell to somebody that wants to rent.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* And then let me just clarify that the downzoning allows a residence there.

Michael R. Majors: Pardon me?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* The downzoning would allow a residence.

Michael R. Majors: That's my understanding.

Councilwoman Brinkerhoff-Riley: *(Inaudible)* And right now I mean that's the difference between the C-1 because it is kind of...the CO1 is blue if we look back slide #2 on that graph, that chart, what he's asking to go would be blue.

Councilman Adams: So you're just expanding your options is what you're doing.

Michael R. Majors: Actually changing it from retail/office to office/residential...

Councilman Adams: Yeah.

Michael R. Majors:...so that it's a little more flexible on my end.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* It is a downzoning. It just happens to be the only one on that street that would have that designation.

Michael R. Majors: Right but it is a residential building. It's a house.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: *(Off Mic)* I don't really see a problem with it, especially given that it's right there on Division Street. I mean it might be a great opportunity...

Michael R. Majors: Sure.

Councilwoman Brinkerhoff-Riley:...for somebody.

Michael R. Majors: Good office space.

President Friend: Do we have any other questions from other members? What about anybody in the audience for or against this?

Councilman O'Daniel: *(Off Mic)* Now I'll move to adopt.

President Friend: Yeah, now we can move. Thank you very much.

Michael R. Majors: Thank you.

President Friend: Thanks so much for stepping up.

Is there a motion to adopt R-2013-25?

Councilman Adams: So moved.

Council Attorney Danks: The motion is already made.

President Friend: Okay, all right. Councilman O'Daniel...

Councilwoman Mosby: Second

President Friend:...and seconded by Councilwoman Mosby. Madam, please call the roll.

Comment made by Councilman McGinn before casting his vote the second time

Councilman McGinn: I still vote aye for this downzoning.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-25 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-26

FROM APC

R-2 & C-4 to C-4 w/U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 2312, 2314, 2316, 2318, 2320, 2322 W. Delaware Street and 2311, 2313, 2315, 2317, 2319, 2321 W. Iowa Street and 601, 603, 609 N. St. Joe Avenue

Petitioner: Warren St. Joe Avenue Property, LLC

President Friend: Yes. Do we have any questions from any members of Council?

Councilman O'Daniel: *(Off Mic)* I'm going to guess that's a Walgreens catty-corner, isn't it?

Justin Shofstall: That is correct.

President Friend: Do we have anybody in the audience?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* I have one. Let me ask you this.

President Friend: Yes, go ahead.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Did you guys adopt the recommendations basically that came through the MPO on the egress, you know, where to have you access points of coming in and out.

Justin Shofstall: Considering we haven't had the site *(Inaudible)* meeting on that...

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Okay.

Justin Shofstall: ...we were wanting to at least have the one access off of St. Joe, which is pretty much lining up close to where the existing Rally's entrance is. The other accesses that we would have, I think if you'd go out there now, whereas that existing alley, which we had heard earlier in regards to the portion that we're vacating where we are pushing those other accesses off of Iowa and Delaware as far

back as possible so there is more room to allow for that traffic to get in and out off of St. Joe entering and existing the property.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Are you...and then so are you planning for the St. Joe to be a...

Justin Shofstall: Right now, unless it's specifically restricted by the MPO stating that we cannot have the right-in, right-out; left-in, left-out to where it's only restricted as a right-turn in, right-turn out only. We were going to request, as far as where we had that existing access, because not many of the other existing properties through St. Joe, in that location, had that type of access.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Because I know the recommendation was *(Inaudible)*, was the limited, was the smaller *(Inaudible)* on St. Joe and I guess I'm getting...I just...I sit on that MPO committee so it came up.

Justin Shofstall: Right.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* We got an update on it.

Justin Shofstall: And I think as far as with what we have there now for that portion of St. Joe, because we do have the flow for both northbound and southbound, with what is classified as the "suicide lane" for turning left and right off St. Joe. I think right now, with what we have proposed is, at least for the single entrance in, and then as far as the exiting would be one lane for left turn out, one lane for right turn out.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Well you'll work that out as it goes along in the process.

Justin Shofstall: Correct.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* All right, thank you.

President Friend: Do we have any other questions from other members on Council? Do we have anybody in the audience, again would like to...for or against this?

Well with that, I entertain a motion for Ordinance R-2013-26.

I had a motion by Councilman Weaver and seconded by Councilwoman Mosby. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: There being eight (8) Ayes and zero (0) Nays, the Ordinance is hereby declared adopted.

Justin Shofstall: Thank you.

President Friend: Thanks so much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2013-28 (Amended) FROM APC R-1 to C-4 w/ U&D

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, more commonly known as 600 Kimber Lane and Kimber Lane Parcel 82-06-24-017-160.030-027

Petitioner: Sater Family Partnership LP

Sarah Fandrey: Hi, I'm Sarah Fandrey. I am an attorney at Bowers Harrison and I am here representing the petitioner, the Sater Family Partnership.

President Friend: Exactly what's the Use & Development limitations?

Sarah Fandrey: It is the Use Group 21, which is like adult uses like for an adult film store or things of that nature, so they have agreed not to use the property for anything like that.

Councilman McGinn: The reason that is in there Mr. President, when Sarah contacted me, because this is in my ward, I told her on all of these rezonings I've had calls in the past on Use Group 21 and this, obviously, is a great zoning, this is farmland, to get it developed. And I asked her to avoid any controversy, not that anyone has come up yet, would you put that in there as a Use & Development Commitment, No Use 21. She said fine, it was put in immediately and very cooperative and did fine, and I have heard nothing bad from anyone out in the area.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Is there any idea at all? Is it just a rezoning or do you have...are there any plans?

Sarah Fandrey: No plans at all. It's for sale right now. There're no potential buyers yet.

President Friend: Is there anybody in the audience...were there any other questions from members? Anybody in the audience for or against this?

Well with that, I entertain a motion for R-2013-28 as amended.

I had a motion made by Councilman McGinn moved and seconded by Councilman Adam. Ma'am, please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance R-2013-28 as amended is hereby declared adopted.

Thank you for coming out.

Sarah Fandrey: Thank you.

CONSENT AGENDA

SECOND READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-1 **PUBLIC WORKS** **LINDSEY**

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as two public alleys in block 39 of Lamasco, Evansville, Vanderburgh, County, Indiana

ORDINANCE G-2014-2 **A.S.D.** **ADAMS**

An Ordinance Amending Sections 18.170.010 and 18.170.020 of the Evansville Municipal Code

ORDINANCE F-2014-1 (Amended) **FINANCE** **O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Re-appropriations and Additional Appropriations of Funds within a City Department

RESOLUTION C-2014-1 **FINANCE** **O'DANIEL**

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for the Property Tax Phase-In for the Acquisition and Installation of Manufacturing Equipment – Berry Plastics Corporation (and its subsidiaries) (101 Oakley Street, Evansville, Indiana)

RESOLUTION C-2014-3 **FINANCE** **O'DANIEL**

A Resolution of the Common Council of the City of Evansville correcting a technical error related the Declaration of an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/Rehabilitation of Real Property and for the Acquisition and Installation of New Information Technology Equipment - Professional Transportation, Inc.

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

CHAIRMAN ADAMS

Chairman Adams: Mister President, your A.S.D. Committee met this evening to hear Ordinance G-2014-2. It comes rumbling forth with a do-pass recommendation.

FINANCE COMMITTEE:

CHAIRMAN O'DANIEL

Chairman O'Daniel: Yes Mister President, your Finance Committee met this evening to hear Resolutions C-2014-1, C-2014-3 and Ordinance F-2014-1 as amended and all come forward with a do-pass recommendation.

PUBLIC WORKS COMMITTEE:

CHAIRMAN LINDSEY

Chairman Lindsey: Mister President, your Public Works Committee met this evening to hear Ordinance G-2014-1 and it comes forward with a do-pass recommendation.

President Friend: Okay, do I need a...yeah, okay. We got...we have Councilwoman Brinkerhoff-Riley and seconded by Councilwoman Mosby the motion to adopt the Committee Reports and move the Ordinance to Third Reading. Voice vote. So ordered

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-1

PUBLIC WORKS

LINDSEY

An Ordinance to vacate certain public ways or public places within the City of Evansville, Indiana, commonly known as two public alleys in block 39 of Lamasco, Evansville, Vanderburgh, County, Indiana

President Friend: Is there a motion to adopt Ordinance G-2014-1?

Councilwoman Mosby and seconded by Councilman O'Daniel. Please call the roll

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance G-2014-1 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2014-2

A.S.D.

ADAMS

An Ordinance Amending Sections 18.170.010 and 18.170.020 of the Evansville Municipal Code

President Friend: Is there a motion to adopt Ordinance G-2014-2?

I had a motion by Dr. Adams and seconded by Councilwoman Mosby. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: There being eight (8) Ayes and zero (0) Nays, Ordinance G-2014-2 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2014-1 (Amended)

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Re-appropriations and additional Appropriations of Funds within a City Department

President Friend: A motion to adopt Ordinance F-2014-1 as amended.

I had a motion by Councilwoman Mosby and seconded by Councilman O'Daniel. Please call the roll

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: With eight (8) Ayes and zero (0) Nays, Ordinance F-2014-1 as amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-1

FINANCE

O'DANIEL

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for the Property Tax Phase-In for the Acquisition and Installation of Manufacturing Equipment – Berry Plastics Corporation (and its subsidiaries) (101 Oakley Street, Evansville, Indiana)

President Friend: A motion to adopt Resolution C-2014-1?

Motion made by Councilman Lindsey and seconded by Councilman Weaver. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: With eight (8) Ayes and zero (0) Nays, Resolution C-2014-1 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2014-3

FINANCE

O'DANIEL

A Resolution of the Common Council of the City of Evansville Correcting a technical error related the Declaration of an Economic Revitalization Area for Property Tax Phase-In for Redevelopment/Rehabilitation of Real Property and for the Acquisition and Installation of New Information Technology Equipment - Professional Transportation, Inc.

President Friend: Motion to adopt Resolution C-2014-3?

Motion made by Councilwoman Mosby and seconded by Councilman Weaver. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Lindsey, Adams, O'Daniel, Weaver, Friend

Absent: Robinson

President Friend: With eight (8) Ayes and zero (0) Nays, Resolution C-2014-3 is declared adopted.

MISCELLANEOUS BUSINESS

There will not be a Council meeting on February 17, 2014. The next meeting of the Common Council will be Monday, February 24, 2014 at 5:30 p.m.

COMMITTEE REPORTS:

There are no Committee Meetings scheduled at this time.

ADJOURNMENT

President Friend: Do I have a...well first of all before I even begin is there any other Miscellaneous Business anybody wants to talk about?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Yes there is actually.

President Friend: Okay, yes.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* I'd like to wish Cole Lile a happy nineteenth birthday today, my child. I told him I'd put him on TV somehow.

President Friend: Yeah.

Councilman Adams: Could you speak...could you tell that a little louder? Whose birthday?

Councilwoman Brinkerhoff-Riley: *(Off Mic)* My son, Cole Lile, is 19 today.

Councilman Adams: I'd like for Laura have a wonderful, blessed event tomorrow.

City Clerk Windhorst: Thank you.

Councilwoman Mosby: Oh that's right!

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Yes and *(Inaudible)*.

President Friend: Yes.

Councilman O'Daniel: Tomorrow is the big day, huh?

President Friend: Oh yes.

Councilwoman Brinkerhoff-Riley: *(Off Mic)* *(Inaudible)*...Connie's husband is doing. I understand he *(Inaudible)*.

President Friend: Oh it is, isn't it?

Unidentified Speaker: Yes.

President Friend: It's great. Oh by the way too, we still have those two committee...I mean not committee, placements we have not done yet. You know we were talk about that so I guess we can hold that over to the next meeting. Okay.

Well with that, I entertain a motion for adjournment.

Councilman McGinn: John, we have some high school kids. Do we need to sign any documents for them?

President Friend: Ah yes, good point. Do we have anybody that needs to sign anything? Yes, come on up. Thanks for reminding me about that.

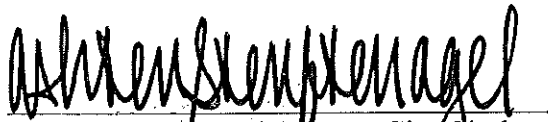
Unidentified Speakers: *(Off Mic) (Inaudible)*


President Friend: What's that?

Unidentified Speakers: *(Off Mic)* Adjournment.

President Friend: Well a motion was made by Councilwoman Mosby and seconded by Councilman O'Daniel. Ayes?

Meeting adjourned 6:17 p.m.


Ashten Stenftenagel, Deputy City Clerk


John Friend, President